IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6148 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VR JASANI & 3 - Petitioner(s)

Versus

JAL SAMPATTI SANSHODHAN VIBHAG - Respondent(s)

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Appearance :
MR TR MISHRA for Petitioner No(s).: 1,2,3,4.

GOVERNMENT PLEADER for Respondent No(s).: 1.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 25/08/2005

ORAL JUDGEMENT

1. The petitioner herein has challenged the award dated 26.2.2000 passed by the Labour Court Junagadh whereby the references filed by the petitioners were rejected.

2. The short facts of the case are that the petitioners were working with the respondent and their services were terminated in the year 1986. The petitioners have therefore raised disputes which were referred to the Labour Court for adjudication and numbered as Reference (LCJ) No.727/90 to 732/90, (LCJ) No.1288/90, (LCR) No.2367/86 to 2369/86 and 2380/86 and 2426/86. The Labour Court, after hearing the petitioners rejected the said references by common award which is challenged in this petition.

3. Learned counsel for the petitioner submitted that the references were rejected on the ground that the petitioners have not proved that there is breach of section 25F. He submitted that though the witness of the employer-respondent herein has categorically admitted that no procedure was followed under section 25F, the Labour Court erroneously rejected the references. He further submitted that there is breach of provisions of section 25G and H also and therefore the Labour Court ought to have passed an award in favour of the petitioners.

4. As a result of hearing and perusal of the record it is found that the witness of the respondent has categorically admitted at page 26 that no procedure was followed under section 25 F of the Act. Even in the cross examination it is clearly established that there is a breach of provisions of section 25G and 25H. I am of the opinion that the Labour Court has not considered breach of provisions of section 25G and 25H, which the Labour Court ought to have considered while passing the award in question. Therefore the impugned award is required to be quashed and set aside and the matter is required to be remanded to the Labour Court.

5. In the premises aforesaid, the impugned award is quashed and set aside. The matter is remanded to the Labour Court for considering the references afresh in view of the observations made hereinabove. Since the matter is an old one, the Labour Court shall hear and decide the same within a period of one and half years from the date of writ of this Court. Rule is made absolute accordingly with no order as to costs.

[K.S. JHAVERI, J.]

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